

1           A     Mr. Birdsong came to see who was -- if -- well, we  
2 were behind on our electric bill and he wanted me to sign a  
3 document saying that I was going to pay the electric bill to  
4 release them of the responsibility from the tower.

5           Q     So at that point in time you were behind on the  
6 electric bill?

7           A     The electric bill was due, right. It was past due.

8           Q     Past due.

9           A     Yes.

10          Q     Which means you were behind on your electric bill?

11          A     That's correct.

12          Q     Was there any threat by Mr. Birdsong to turn the  
13 power off?

14          A     Of course. If you don't pay your electric bill  
15 they're going to turn the power off.

16                JUDGE FRYSIK: Well, he's asking you whether he in  
17 fact did threaten you with that.

18                WITNESS: No, he didn't threaten me. He just said  
19 he wanted to work with me.

20                BY MR. ZAUNER:

21          Q     Did you have another woman from the station there  
22 with you at the time you spoke with Mr. Birdsong? Was there  
23 somebody there with you?

24          A     My employees was there. Yes.

25          Q     Did you -- was there -- Mrs. Jordan there?

1           A     Yes. Deborah Jordan.

2           Q     And who was Mrs. Jordan?

3           A     Mrs. Jordan was a firm that I had hired -- my -- can  
4 I, can I just speak --

5                   JUDGE FRYSIK: Answer the question who was Mrs.  
6 Jordan.

7                   WITNESS: Mrs. Jordan was a firm that I had hired,  
8 was supposed to be a management team, because I had this  
9 tendency to hire people to give them a second chance at life  
10 again, which was a mistake, because they were picking up money  
11 and stealing from the station. It was like people that were  
12 very good DJs, have been in the business for quite a few  
13 years, and people wouldn't give them a chance because they had  
14 had a problem, be it drugs, alcohol, or whatever, and I caught  
15 myself giving these people a chance to get back in the work-  
16 force again, which was a mistake. I hired a management team,  
17 which turned out to be a mistake, because they were wanting to  
18 take the station and I -- I didn't bring a contract. They  
19 came in to find out the status of my station so that they  
20 could report to people that wanted to buy my station, and then  
21 they offered me \$2,000 a month to let them come in and to take  
22 the station over. And one of those people were Buck Birdsong,  
23 SWEPCO's person.

24                   BY MR. ZAUNER:

25           Q     What, what is the name again?

1 A Buck Birdsong.

2 Q Buck Birdsong. Oh, that's the --

3 A The person -- the gentleman of the letter.

4 Q And he was part of a company that wanted to take  
5 over your --

6 A He was a part of Deborah Jordan, Ken Hannon, Bobby  
7 Earls. This was a conspiracy. These people came into the  
8 station to destroy the station, but they were a part of my  
9 staff. I -- and Buck Birdsong was, was one of the people that  
10 Ken Hannon was working for to take the station. So, they came  
11 in to find out my financial situation, what was happening,  
12 where I was getting my money from, what was owed, to destroy  
13 me.

14 Q This is all a part of a conspiracy to --

15 A Yes.

16 Q -- put you out of business?

17 A Yes. And I have documentation.

18 Q And you -- how did you come to hire this, this --

19 A I hired them because I thought that they were  
20 professional and I thought that -- I don't profess to know  
21 everything in radio, but I had did some studying and, and  
22 visiting and talked to radio people.

23 Q And what was the name of the company --

24 JUDGE FRYSIK: Did you contact --

25 WITNESS: Excuse me?

1 JUDGE FRYSIAK: Did you, did you contact them?

2 WITNESS: No. They contacted me.

3 JUDGE FRYSIAK: Why would they contact you?

4 WITNESS: They said because they felt that I needed  
5 some help and they wanted to help me. And it was like CPA  
6 Management Firm.

7 BY MR. ZAUNER:

8 Q It was a CPA Management Firm?

9 A I think that's what they called themselves. And they  
10 worked in a -- I was general manager and I acted as sales-  
11 person. I -- I'm better at sales than general manager. I was  
12 in close contact with the lady from Austin who was going to  
13 help me staff the station, but the station was not making  
14 enough money for me to get a qualified person.

15 Q Well, who, who was this person Jordan? Was it a  
16 woman?

17 A Deborah Jordan only came one time.

18 Q And, and she just happened --

19 A One time.

20 Q -- she just happened to be there at the same time  
21 Mr. Birdsong came?

22 A She just happened to come that day Mr. Birdsong and  
23 Mr. -- Mrs. Linda came, whatever her name.

24 Q Did you indicate to, to Mr. Birdsong that Deborah  
25 Jordan was the owner of the station?

1           A     No. By no means.

2           Q     And Deborah Jordan was just somebody that you had  
3 hired to assist you in managing, managing your station?

4           A     Actually, I hired -- Ken Hannon called me and Ken  
5 Hannon -- Deborah Jordan was a part of Ken Hannon's management  
6 firm.

7           Q     What was the name of the management --

8           A     Ken Hannon.

9           Q     Ken Hannon. Okay. Ken Hannon.

10          A     But they happened to mention --

11          Q     And that's -- just for the record, Hannon is spelled  
12 H A N N O N.

13          A     Right. But Mr. Hannon happened to mention to you  
14 that he tried to get a \$10,000 loan on the station and he  
15 succeeded except it had -- I had to sign it. These people  
16 came in to destroy the station. Did they happen to tell you  
17 that they hired people without my knowledge and promised them  
18 salaries and I knew nothing about it and would --

19               MR. KELLY: I'd caution the witness there's no  
20 question pending.

21               MR. ZAUNER: I don't know anything about this.

22               WITNESS: I'm sure that you've gotten calls from  
23 them with invalid information.

24               JUDGE FRYSIK: Why don't we take a short recess of  
25 five minutes?

1 (Whereupon, a short break ensued.)

2 MR. ZAUNER: Thank you, Your Honor.

3 BY MR. ZAUNER:

4 Q Ms. Washington, with regard to the \$5,000 Reverend  
5 Jerald gave you, did you sign a note on that? I don't know  
6 whether I asked you that or not?

7 A No, sir. He just went on my word.

8 Q Okay. And you have no written documentation of that  
9 money, is that correct?

10 A That's correct.

11 Q You testified, I believe, that KARW went off the air  
12 on September 12th? Is that the date? Or was it --

13 MR. KELLY: Asked and answered, Your Honor.

14 JUDGE FRYSIK: I have the date. It's -- according  
15 to this letter signed by Janet Washington, it's January --  
16 September 12th.

17 MR. ZAUNER: September 12th.

18 BY MR. ZAUNER:

19 Q And what was the reason that the station went off  
20 the air?

21 A Vandalism. Vandalism and theft.

22 Q Did you report that vandalism to the police?

23 A Yes, sir.

24 Q Did you report it to the police immediately upon  
25 discovering it?

1           A     Yes, sir.

2           Q     Did you discover it on the day on which it occurred

3 or the following day?

4           A     The day it occurred.

5                   JUDGE FRYSIAK: Which was?

6                   WITNESS: September the 13th.

7                   BY MR. ZAUNER:

8           Q     September the 13th. What was stolen from the

9 station, if anything?

10          A     All of the music.

11          Q     That would be CDs?

12          A     CDs, cassettes, albums. All of the -- the CD

13 player. The cassette player in the production room and in the

14 broadcast room.

15          Q     I'm sorry. The, the CD player, the cassette player?

16          A     The CD player -- the CD player, the cassette play-

17 ers, everything in the production room and the broadcasting

18 room.

19          Q     What is the projection room? What did that have?

20          A     The production, production room.

21          Q     Oh, production.

22          A     Yes, sir.

23          Q     What, what equipment in the production room was

24 stolen?

25          A     The CD player.

1 Q The cassette player?

2 A The cassette player. And our card machine.

3 Q A card machine.

4 A Yes, sir.

5 JUDGE FRYSIK: Was it vandalism or an outright

6 burglary?

7 WITNESS: It was a burglary and vandalized. They

8 just tore things up.

9 BY MR. ZAUNER:

10 Q Now, you said there was another room everything was

11 stolen from besides the production room?

12 A The broadcast area.

13 Q The broadcast area. What was taken from the

14 broadcast area?

15 A Oh, they took all of the, the music that we played,

16 the CD player --

17 Q Well, the CD player you've already indicated was in

18 the production room. Did you have a --

19 A We have, we have a set in the production room and a

20 set in the broadcasting room.

21 Q Okay. In the broadcasting room, the CD player there

22 was also taken, so you lost two CD players. What else?

23 A The cassette player.

24 Q Cassette player. Was, was any broadcast equipment

25 stolen?



1           A     This is what we broadcast with.

2           Q     Okay. But, but was any -- what I'm saying, and I'm  
3 trying to distinguish, I guess, between cassette players and  
4 that kind of thing to the equipment that's necessary to gener-  
5 ate a signal. Was anything like the transmitter stolen or  
6 transformer stolen or anything of that nature?

7           A     No. The transmitter was tampered with. We had to  
8 call the engineer out.

9           Q     And, and you reported this to the police on  
10 September 21st?

11                     (Pause.)

12           MR. KELLY: Your Honor, if counsel is going to  
13 question the witness from a document, then he ought to show  
14 the witness the document.

15           MR. ZAUNER: I would agree with that. We will do  
16 that.

17           BY MR. ZAUNER:

18           Q     When you reported the crime, did you report it --  
19 that the -- any value to the, to the merchandise that was  
20 stolen? Did the police ask you how much it was worth?

21           A     I'm not quite sure if they did or not.

22           Q     Do you remember what the value of the stolen mer-  
23 chandise was?

24           A     No, I can't really, really give you a dollar figure.

25           Q     Did you indicate the names of possible suspects to

1 the police?

2 A Yes, I did.

3 Q Did those suspects include Earl Bobby?

4 A Bobby Earls?

5 Q Or Bobby Earls. I'm sorry. And Ken Hannon?

6 A Yes.

7 Q Had anybody seen the burglar?

8 MR. KELLY: The burglar or the burglary?

9 MR. ZAUNER: Or the burglar -- the one who committed  
10 the crime.

11 WITNESS: No. It was an --

12 JUDGE FRYSIK: It was what? I didn't hear the, the  
13 answer.

14 WITNESS: No, it -- everything was taken from the  
15 inside.

16 (Pause.)

17 BY MR. ZAUNER:

18 Q Do you remember -- did you indicate to the police  
19 that a transformer had been stolen from the station?

20 A Yes, it was.

21 Q Was a transformer stolen?

22 A Yes.

23 Q I thought when I asked you before whether a trans-  
24 former was stolen or any broadcast signal generating equip-  
25 ment, you said no?

1           A     I don't remember that question. A transformer was  
2 stolen.

3           Q     And what was the value of that transformer?

4           A     It's about \$1,200.

5           Q     And what was the value of the cassettes?

6           A     Three, four hundred dollars apiece.

7           Q     Okay. And then -- well, let me, let me reform that.  
8 You said the CD players -- there were two CD players stolen.  
9 And what were the value of those two CD players?

10          A     The one CD player that we had in the production room  
11 is just a one cassette. I would say that's about \$300.

12          Q     Okay. And the other one?

13          A     Okay. The double disk player that we had missing, I  
14 would say two or three hundred dollars, the cassette player,  
15 two-disk cassette player.

16          Q     Well, maybe I can cut this short. Isn't it a fact  
17 that you told the police that the value of the stolen merchan-  
18 dise was approximately \$2,500?

19          A     Right. I was told that the antenna matcher that was  
20 taken would cost me \$2,500. The antenna matcher that was  
21 taken, it determines whether I broadcast or not because it's  
22 from the antenna to my transmitter. That's what gets the  
23 sound, or transmits the sound. They took that entire box.

24          Q     How much was that worth?

25          A     The technician said it was about \$25,000, just that

1 alone, the antenna matcher --

2 Q Did you report that to the police?

3 A -- and the antenna tuner. Yes, I did.

4 MR. ZAUNER: Can I -- Your Honor, I'm going to show  
5 a copy to counsel and a copy to Your Honor.

6 JUDGE FRYSIK: Do you want the document marked for  
7 identification? You're working on 5.

8 MR. ZAUNER: Yes, Your Honor. I believe that's  
9 correct.

10 (Pause.)

11 MR. ZAUNER: Your Honor, at this time I am going to  
12 present to the court reporter to have marked for  
13 identification a two-page document, the first page of which is  
14 identified at the top as Longview Police Department, and under  
15 that it says Longview Police Department Crime Report. This is  
16 a two-page document.

17 JUDGE FRYSIK: Yes. It may be so marked.

18 (Whereupon, the document referred to  
19 as Mass Media Bureau Exhibit No. 5  
20 was marked for identification.)

21 BY MR. ZAUNER:

22 Q Mrs. Washington, I'm going to show you a copy of a  
23 crime report from the Longview Police Department. Do you see  
24 at the upper left-hand corner there the date reported?

25 A 9/21/94. Um-hum.

1 Q And do you see in the following section it says  
2 victim "Praise Media, Inc."

3 A Um-hum.

4 Q Does that --

5 MR. KELLY: Answer -- please speak your answers yes  
6 or no, Ms. Washington.

7 WITNESS: Yes.

8 BY MR. ZAUNER:

9 Q Does that date of 9/21/94 refresh your recollection  
10 as to when you may have reported the crime at the station?

11 A Yes.

12 Q Was it on September 21, 1994, that you made the  
13 report that the station was broken into?

14 A I'm assuming that is -- we -- I called into the  
15 station and you make the report, and they don't actually write  
16 the report up. They tell you to come back and get a copy of  
17 the report. So, they don't really write the report when you  
18 report it.

19 JUDGE FRYSIK: I have in the upper left-hand corner  
20 September 21, date of report. Did you say the 24th?

21 MR. ZAUNER: Did I say the 24th?

22 JUDGE FRYSIK: I think you said --

23 MR. ZAUNER: Oh, no. The reported date September  
24 21, 1994. I'm sorry. I may have --

25 MR. KELLY: Then there -- but then -- Your Honor, I

1 would -- looking at the top of this item, it says "Location:  
2 2929 Signal Hill Drive, LV" which I take to mean Longview, and  
3 it says "Occurred..." and according to this thing it looks  
4 like 8-13-94/midnight.

5 MR. ZAUNER: I'm sorry --

6 MR. KELLY: And I'm not -- you know -- do you see,  
7 do you see that? No. You're questioning the witness about a  
8 document she didn't prepare and, and, you know, it is what it  
9 is. But, but if you look at this thing, it says occurred --  
10 it looks like 8-13-94. Now, we didn't have control over the  
11 typing of this item either, so I don't --

12 MR. ZAUNER: Of course. Could you point that out to  
13 me?

14 MR. KELLY: Yeah. Take a look at --

15 (Pause.)

16 MR. KELLY: Do you see that, Bob?

17 MR. ZAUNER: Yeah.

18 MR. KELLY: We're looking at the same item?

19 MR. ZAUNER: Um-hum.

20 MR. KELLY: Okay.

21 JUDGE FRYSIK: That -- according -- that's a nine.  
22 It's a 0 9.

23 MR. KELLY: It is, it is --

24 JUDGE FRYSIK: September 13th.

25 MR. KELLY: -- a nine. On my copy I can't tell if

1 it's a nine or an eight.

2 JUDGE FRYSIK: It says occurred September 13 of '94  
3 midnight.

4 MR. KELLY: No. See, there's a difference between a  
5 nine and an eight, though, in this -- the way this computer  
6 generates the number. If you look at like the phone number  
7 where it says "903." And it says 0 0, and that number looks  
8 like an 8, because the bottom curve is curved all -- it looks  
9 like all the way around.

10 JUDGE FRYSIK: This is obviously --

11 MR. ZAUNER: I think, I think I may -- I think  
12 counsel may have helped us resolve this. I think that it is  
13 9/13/1994, and that would be consistent, I think, with the  
14 letter of Janet Washington, which is Praise Exhibit 7. If you  
15 read Praise Exhibit 7 you would see --

16 MR. KELLY: Right.

17 MR. ZAUNER: -- that Praise Exhibit says as of  
18 September 12th, and, and this would indicate September 13.  
19 So, it would be almost contemporaneous with the letter.

20 MR. KELLY: Yeah.

21 MR. ZAUNER: Is that your --

22 MR. KELLY: That would seem to be logical.

23 JUDGE FRYSIK: Okay. All right.

24 BY MR. ZAUNER:

25 Q Let me call your attention to the -- page two, the

1 description of stolen property. And there the only property  
2 indicated to have been stolen was a transformer with the value  
3 of \$2,500 and religious and gospel music CDs. Did you report  
4 to the police these other items that you've mentioned?

5 A Yes. Where -- and I did talk to the lady in  
6 records. They -- when I said CDs and, and got religious and  
7 gospel music, they just put CD. I meant CD player.

8 Q Okay.

9 A I said the CD.

10 Q Well, what about -- you indicated that there was a  
11 box that was stolen that was worth \$25,000, an electric --  
12 electrical equipment that went between your transmitter and  
13 your tower. Did you report that loss to the police?

14 A That was on another vandalism.

15 Q That didn't happen at this time?

16 A Right.

17 Q When did that happen?

18 A This happened, this happened during the time the  
19 lights, the lights were getting turned on.

20 Q So, you went off the air then on September 12th  
21 because of this vandalism because your Cds had been stolen,  
22 your CD players had been stolen, and your transformer had been  
23 stolen?

24 A All the music had been stolen. I had no music in  
25 the station.



1 Q Did you, did you go out and acquire new music and,  
2 and a new transformer so you could go back on the air?

3 A New equipment. Yes, I did.

4 Q And when did you go back on the air?

5 A We went back on the air in -- the end of September  
6 or first of October.

7 Q You went on the air. Did you ever report the fact  
8 that you returned to the air to the Commission?

9 A Yes, to Mr. Campbell.

10 Q Did you, did you ever report the fact that you had  
11 returned to the air to the Commission? Mr. Campbell is not  
12 the Commission. Mr. Campbell is -- was your prior attorney,  
13 is that correct?

14 A Right.

15 Q Yes. Did you report the fact that you went back on  
16 the air to the Commission?

17 A No. To Mr. Campbell, my attorney, who --

18 Q Did --

19 A No.

20 Q Okay. Did you do that report in writing or did you  
21 just telephone him and tell him?

22 A I telephoned.

23 Q How long were you on the air before you went off  
24 again?

25 A We were on there maybe a couple of weeks, because we

1 had problems with the transmitter.

2 Q Why did you go off the air after a couple of weeks?

3 A Because our signal was distorted and you really  
4 couldn't hear the music or the news.

5 Q So then you went off the air again. Did you report  
6 this -- the second time that you went off the air, did you  
7 report that to the FCC?

8 A Yes. Well, to Mr. Campbell.

9 Q You reported that to Mr. Campbell. Did Mr. Campbell  
10 say he would notify the Commission about that?

11 A I was told to report to them and they would get it  
12 to the right branch or right department in FCC.

13 Q Did you correct the problems with the transmitter  
14 and go back on the air?

15 A We didn't correct the problem because we had to find  
16 a part, the part that we needed.

17 Q You stayed off the air then and eventually the  
18 electricity was cut and there was no way to go back on the  
19 air? Is that, is that a correct statement?

20 A No.

21 Q Okay. What happened then?

22 A The problem was the, the funds that it was going to  
23 cost me to go back on the air and I didn't want to put 30,000  
24 into the station and then not have the license. I would have  
25 to replace the transmitter.

1           Q     So you decided not -- you, you would have to replace  
2 the transmitter. You decided until this case was decided that  
3 you were not going to replace the transmitter?

4           A     Well, I guess we could say that.

5           JUDGE FRYSIK: What's the time period here. I  
6 think I lost track. You have a September 12th cut off, and  
7 then there was a subsequent sign on again --

8           MR. ZAUNER: The end of September signed back on  
9 the, on the air. Went off -- on for a couple of weeks --

10          JUDGE FRYSIK: There was a two-week period that it  
11 was on the air.

12          MR. ZAUNER: For a couple of weeks, and then it went  
13 off the air because of problems with the transmitter.

14          JUDGE FRYSIK: To this day it's off.

15          MR. ZAUNER: And to this day it's off.

16          WITNESS: Well, it took him two weeks to locate a  
17 part, and then he wasn't sure that part was going to fit. And  
18 finally he told me to just buy a new transmitter, the  
19 engineer.

20          JUDGE FRYSIK: So, by the end of September you had  
21 replaced all that equipment that was stolen?

22          WITNESS: Yes, I had. To go back on the air. And  
23 made preparations to go back on the air.

24          MR. ZAUNER: Your Honor, at this time I would offer  
25 into evidence as Mass Media Bureau Exhibit No. 5 -- I believe?

1 JUDGE FRYSIAK: Yes, it's 5. It's been marked 5 for  
2 identification. Any objections to 5?

3 MR. KELLY: Yeah, it's -- yeah, that it's, that's  
4 it's the official record of the Longview Police Department and  
5 something that we had -- that Praise Media had nothing to do  
6 in terms of the format or the, the contents other than, other  
7 than making an oral report, and how the police chose to write  
8 it down is beyond our control. I -- with that stipulation I  
9 have no objections.

10 JUDGE FRYSIAK: All right. I'll receive Exhibit 5.  
11 (Whereupon, the document marked for  
12 identification as Mass Media Bureau  
13 Exhibit No. 5 was received into  
14 evidence.)

15 (Pause.)

16 BY MR. ZAUNER:

17 Q Do you have any plans to put this station back on  
18 the air once this case is terminated, assuming that you are  
19 still the licensee?

20 A Yes, sir. I sure do.

21 Q And how do you plan to be able to return the station  
22 to the air?

23 A I have contacted a company, have gotten some fund-  
24 ing, and I've contacted a company called "Our Specialty" and  
25 have located the equipment and the price, everything that I

1 need. Grounding has to be checked. I have a company called  
2 ABC Satellite, which is a satellite company which would bring  
3 in music -- which will bring in music. It has professional  
4 DJs. They will also assist me in sales marketing, sales  
5 people, advertising, market the station on a professional  
6 level. I've talked to a lady at --

7 Q Am I correct then that that would in effect automate  
8 the station, would give you --

9 A Right.

10 Q -- an automated station?

11 A However, you can, you can cut in with your own  
12 programming at any time. You can stop the satellite and cut  
13 in with your own programming. So, I can choose to use the  
14 automation whenever I wanted to and I can use live DJs when  
15 necessary or when I want to, and live shows, as far as public  
16 service programs and things like that.

17 Q Where are you going to get the money to return the  
18 station to the air?

19 A I have money allocated now.

20 JUDGE FRYSIK: I didn't hear that.

21 WITNESS: I have the money allocated now.

22 BY MR. ZAUNER:

23 Q Well, what do you mean by that: you have the money  
24 allocated?

25 A I have a loan. I received a loan.

1 Q You have a loan and it's in place?  
2 A Um-hum.  
3 Q And it's just waiting upon you to get your license  
4 clear, at which point you can use that money to put the sta-  
5 tion back on the air?  
6 A Yes.  
7 Q Who is that loan with?  
8 A Citizen Trust. Citizen Trust.  
9 Q Citizen's Trust?  
10 A Um-hum.  
11 Q And where is that located?  
12 A Phoenix, Arizona.  
13 Q Do you have any documentation to evidence this  
14 loan --  
15 A Yes --  
16 Q -- the availability of this loan?  
17 A Yes. It's addressed to Judge Frysiak.  
18 Q Do you have it here with you today?  
19 A Yes, I do.  
20 Q May I see copies of the documentation?  
21 JUDGE FRYSIK: I think we have -- hold on for a  
22 second.  
23 (Pause.)  
24 MR. KELLY: Make sure to ask the witness if that's  
25 the --

1 (Pause.)

2 MR. ZAUNER: May we have a couple minutes off the  
3 record to review this? It's --

4 (Off the record.)

5 (On the record.)

6 MR. KELLY: May I make a statement for the record?  
7 What I've provided Bureau counsel with --

8 JUDGE FRYSIK: Let me go on the record first. All  
9 right.

10 MR. KELLY: Thank you, Your Honor. I provided the  
11 Bureau with three documents. One is, one is a letter on the  
12 stationery of Citizens Mortgage, Inc., dated March 20, 1995,  
13 signed by a Corliss, C O R L I S S, Ford, Loan Officer.

14 The second document I provided is something that  
15 says ICB Surety Group Letter of Confirmation dated February  
16 27, 1995, to Praise Media, Inc.

17 The third is something on the stationery of -- a  
18 one-page letter on the stationery of something called All, A L  
19 L, Financial Services of Manhattan Beach, California, to  
20 Citizens Mortgage, Inc., signed by a Don Stephenson. Thank  
21 you, Your Honor.

22 MR. ZAUNER: Your Honor, just for the record, the  
23 Bureau has read these documents and none of these documents  
24 appear to be a loan document or a document indicating that a  
25 loan will in fact be made.

1 MR. KELLY: Well, you can -- that's testimony, Your  
2 Honor.

3 MR. ZAUNER: Well, if --

4 MR. KELLY: If he wants to ask the witness what the  
5 basis for her testimony was, that would be appropriate.

6 MR. ZAUNER: Well, I've already asked her. She said  
7 the loan was available. And I asked her if she had any  
8 documentation to support --

9 MR. KELLY: That's a legal --

10 MR. ZAUNER: -- that --

11 MR. KELLY: -- conclusion. That's a legal  
12 conclusion. You shouldn't even ask her -- you know, I -- I  
13 don't know why you're trying -- you know, you have so much  
14 more sophistication in terms of education than this witness.  
15 Why don't you let her state the basis for her understanding of  
16 what, what she's going to do to put the station back on the  
17 air.

18 MR. ZAUNER: Your Honor, I, I'm -- I --

19 MR. KELLY: I think it's a fair statement.

20 MR. ZAUNER: I know. I'm sort of -- I, I don't like  
21 to get into a quabble -- or a squabble with counsel, but it  
22 appears to me that this could have been part of the direct  
23 case of, of counsel. If they had plans to put the station  
24 back on the air, that this certainly was within the scope of  
25 the, the issue. And they sat back with these documents and



1 waited until the Bureau brought them out in cross-examination  
2 and now criticizes the Bureau for its, its questions which  
3 brought these documents to light. I think --

4 MR. KELLY: There's no financial --

5 MR. ZAUNER: Let me, let me finish, please. I, I  
6 don't think I've done anything improper. I don't think I've  
7 tried to take advantage of this witness in any way. And to  
8 the, to the extent that there's any suggestion of, of that, I  
9 would, I would just like to go on the record as saying that  
10 that has not been the case and has not certainly been my  
11 intent.

12 JUDGE FRYSIK: Well, but the -- Mr. Kelly's point  
13 was that you're characterizing the document. I -- if you  
14 recall, the colloquy you had with the witness was: do you  
15 have documentation to indicate that there is in place financ-  
16 ing to go back on the air. She said yes and then -- so  
17 you're, you're reading a document. Now we -- the proper  
18 procedure is to have the document marked for identification.  
19 And then, you know, we decide these things at a later date.  
20 But if you're of the opinion that it is -- doesn't prove her  
21 case, well, that's, that's fine, you know.

22 MR. ZAUNER: And, and if the, if the documents don't  
23 prove the case, then I'm not going to have them marked for  
24 identification. If, if Mr. Kelly believes that these  
25 documents do in fact demonstrate that, then, then it certainly